

AT-138, EJ-125

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Manuel A. Martinez (SBN 115075) Dennis D. Miller (SBN 138669) STEIN & LUBIN LLP 600 Montgomery Street, 14th Floor San Francisco, CA 94111 TELEPHONE NO.: 415-981-0550 FAX NO.: 415-981-4343 ATTORNEY FOR (Name): Ireland San Filippo, LLP		FOR COURT USE ONLY <div style="text-align: center; font-size: 2em; font-weight: bold;">FILED</div> <div style="text-align: center;">MAR - 1 2007</div> <div style="text-align: center;">RICHARD CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE</div>
NAME OF COURT: United States District Court, Northern District of California STREET ADDRESS: 280 S. 1st Street MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: San Jose Division		
PLAINTIFF: Synapsis, LLC DEFENDANT: Evergreen Data Systems, Inc., et al.		
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person		
		CASE NUMBER: C 05-01524 JF

ORDER TO APPEAR FOR EXAMINATION

BY FAX

- TO (name): **Synapsis, LLC**
- YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - ☒ furnish information to aid in enforcement of a money judgment against you.
 - ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: March 15, 2007	Time: 1:00 p.m.	Dept. or Div.: 4	Rm.:
Address of court <input checked="" type="checkbox"/> shown above <input type="checkbox"/> is:			

- This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Date: **3/1/07** 
JUDGE OR REFEREE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

- ☒ Judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order
 applies for an order requiring (name): **Synapsis, LLC** to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
- The person to be examined is
 - ☒ the judgment debtor
 - ☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
- The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
- ☐ This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.160 or 708.160 is attached.
- ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **February 28, 2007**

Dennis D. Miller 
(SIGNATURE OF DECLARANT)

(TYPE OR PRINT NAME)

(Continued on reverse)

Form Adopted for Mandatory Use
Judicial Council of California
AT-138, EJ-125 (Rev. July 1, 2000)

**APPLICATION AND ORDER
FOR APPEARANCE AND EXAMINATION
(Attachment-Enforcement of Judgment)**



Code of Civil Procedure
§§ 491.110, 708.110, 708.120

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**APPEARANCE OF A THIRD PERSON
(ENFORCEMENT OF JUDGMENT)**

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows *(Describe the property or debt using typewritten capital letters)*:

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.